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10/576,588	04/21/2006	Kunio Gobara	MAT-8844US	7276
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APR 16 2009

TECHNOLOGY CENTER 2100

In re Application of: Gobara, Kunio et. al.

Serial No.: **10/576,588**

Filed: April 21, 2006

Docket: MAT-8844US

For: COMMUNICATION SYSTEM,  
INFORMATION PROCESSING  
APPARATUS, SERVER, AND  
COMMUNICATION METHOD

DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER M.P.E.P. § 708.02 VIII

This is a response to the petition filed August 29, 2006 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition to make special is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) **Submits a detailed discussion of the references**, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, *applicant will be notified and the defects in the request will be stated*. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

## DECISION

The petition filed August 29, 2006 fails to adequately meet requirement (e) of the criteria set forth above. The applicant must discuss how the claimed subject matter is patentable over the reference including any newly presented claims are patentable over any applied references. It is noted that 37 C.F.R. § 1.111 requires “pointing out the specific distinctions believed to render the claims, *including any newly presented claims*, patentable over any applied references”.

In the petition, identifies distinctions believed to render the claims unpatentable over the cited references with respect to independent claim 1, and additionally claims 5, 9, 15, 18, and 21 (see pg 3-4). The claims currently pending in this application have been amended on April 21, 2006, which cancelled claims 1-88 and added claims 89-128, thus *claims 89-128 are currently pending* in instant application.

Accordingly, the petitioner's detailed discussion of the references fails to comply with requirement of section (e), above mentioned.

For the above-mentioned reasons the petition to Make Special is **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision. Any request for reconsideration made by the petition should address the detailed discussion of the references to comply with 37 CFR 1.111(b). More specifically, ensure the discussion *particularity addresses the patentability of each pending claims*. Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/kb/

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